

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

Faith Gay (Pro Hac Vice Appl. Pending)

2 faithgay@quinnemanuel.com

Marc Greenwald (Bar No. 176072)

3 marcgreenwald@quinnemanuel.com

R. Corey Worcester (Pro Hac Vice Appl. Pending)

4 coreyworchester@quinnemanuel.com

Julia Beskin (Pro Hac Vice Appl. To Be Filed)

5 juliabeskin@quinnemanuel.com

51 Madison Avenue, 22nd Floor

6 New York, New York 10010-1601

Telephone: (212) 849-7000

7 Facsimile: (212) 849-7100

8 QUINN EMANUEL URQUHART & SULLIVAN, LLP

Patrick Doolittle (Bar No. 203659)

9 patrickdoolittle@quinnemanuel.com

50 California Street, 22nd Floor

10 San Francisco, California 94111

Telephone: (415) 875-6600

11 Facsimile: (415) 875-6700

12 Attorneys for Defendants

13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

15 TY RAYNER, on Behalf of Himself and All
Others Similarly Situated,

16 Plaintiff,

17 vs.

18 E*TRADE FINANCIAL CORPORATION
19 and E*TRADE SECURITIES LLC,

20 Defendant.

CASE No.: 15-cv-01384-RMW

21 **STIPULATION AND**
22 **ORDER**
23 **TO STAY ACTION**

24 **CLASS ACTION**

25 Plaintiff Ty Rayner, on behalf of himself and others similarly situated (“Plaintiff”) and
26 Defendants E*TRADE Financial Corporation and E*TRADE Securities LLC (“Defendants,”
27 together with Plaintiff, “the Parties”), by and through their counsel, enter into the following
28 stipulation to stay this action:

WHEREAS, Plaintiff filed his Complaint on March 25, 2015; and

WHEREAS, the following cases (which were brought by different plaintiffs against
different defendants than the Parties) contain allegations with respect to payment for order flow:
Zola v. TD Ameritrade, Inc., D. Neb., 8:14-cv-288; Verdick v. TD Ameritrade, Inc., D. Neb.,

1 8:14-cv-289; Lerner v. TD Ameritrade, Inc., D. Neb., 8:14-cv-325; Sarbacker v. TD Ameritrade
2 Holding Corporation; D. Neb., 8:14-cv-341; Lewis v. Scottrade, Inc., S.D. Cal. 3:14-cv-02926
3 (collectively, the “PFOF Actions”); and

4 WHEREAS, motions to dismiss are pending in each of the PFOF Actions; and

5 WHEREAS, neither Party will be prejudiced by a stay pending resolution of the motions to
6 dismiss in the PFOF Actions:

7 IT IS HEREBY STIPULATED that this action shall be stayed until decisions on the
8 motions to dismiss are entered in each of the PFOF Actions. Defendants need not answer or
9 otherwise respond to the Complaint during the pendency of the motions to dismiss in the PFOF
10 Actions. Defendants will have 20 days to answer or otherwise respond to Plaintiff’s Complaint
11 following the issuance of decisions on the motions to dismiss in the PFOF Actions. The Parties
12 shall jointly advise the Court of the issuance of decisions on the motions to dismiss in the PFOF
13 Actions within 5 days of the written decisions.

14 In light of the foregoing, the parties respectfully request that the Case Management
15 Conference currently set for July 14, 2015, be vacated until the stay is lifted.

16 DATED: April 16, 2015

BLOOD HURST & O’REARDON, LLP
TIMOTHY G. BLOOD (149343)
THOMAS J. O’REARDON II (247952)

By: /s/ Timothy G. Blood

TIMOTHY G. BLOOD
701 B Street, Suite 1700
San Diego, CA 92101
Tel: 619/338-1100
Fax: 619/338-1101
tblood@bholaw.com
toreardon@bholaw.com

ROBBINS ARROYO LLP
BRIAN J. ROBBINS (190264)
KEVIN A. SEELY (199982)
ASHLEY P. PALMER (246602)
LEONID KANDINOV (279650)
600 B Street, Suite 1900
San Diego, CA 92101
Tel: 619/525-3990
Fax: 619/525-3991
brobbins@robbinsarroyo.com
kseely@robbinsarroyo.com
apalmer@robbinsarroyo.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

lkandinov@robbinsarroyo.com

LANDAY ROBERTS LLP
JOHN K. LANDAY (257573)
MALCOLM B. ROBERTS (242431)
450 J. Street, Unit 5291
San Diego, CA 92101
Tel: 805/305-3384
jlanday@landayroberts.com
mroberts@landayroberts.com

Attorneys for Plaintiff

QUINN EMANUEL URQUHART
& SULLIVAN

By: /s/ Patrick Doolittle
Faith Gay (Pro Hac Vice Appl. Pending)
faithgay@quinnemanuel.com
Marc Greenwald (Bar No. 176072)
marcgreenwald@quinnemanuel.com
R. Corey Worcester (Pro Hac Vice Appl. Pending)
coreyworcester@quinnemanuel.com
Julia Beskin (Pro Hac Vice Appl. To Be Filed)
juliabeskin@quinnemanuel.com
51 Madison Avenue, 22nd Floor
New York, New York 10010-1601
Tel.: (212) 849-7000
Fax: (212) 849-7100

Patrick Doolittle (Bar No. 203659)
patrickdoolittle@quinnemanuel.com
50 California Street, 22nd Floor
San Francisco, California 94111
Tel.: (415) 875-6600
Fax: (415) 875-6700

Attorneys for Defendants

Proposed Order

Pursuant to the foregoing stipulation between the parties, **IT IS SO ORDERED.**

Dated:


Ronald M. Whyte
United States District Judge